

REMARKS

Claims 1-5, 8-15, 19-21, 23, 28-33, 44, 46-58, 64-66, 71-74, 77-81, 84, 85, 89, 90, 95, 96, 98 and 100-105 were previously pending in this application. As summarized in the Telephone Interview Summary below, in an interview conducted on October 28, 2008, the Examiner indicated to Applicant's representatives that claims 5, 13 and 15 are no longer withdrawn and are now allowable. Claim 46 has been amended to incorporate the features of claim 53. Accordingly, claim 53 has been cancelled. Claims 48-52, 56, 57, 65 and 66 have also been cancelled, without prejudice or disclaimer. Claim 55 has been amended to depend from claim 54, and to remove the recitation of "allergen". Claim 95 has been amended to depend from claim 46. Claim 95 has also been amended to remove "(e.g. small cell and non-small cell)". New claims 106 and 107 have been added, reciting "small cell lung cancer" and "non-small cell lung cancer" respectively. Support for claims 106 and 107 can be found in the claims as originally filed, and in the specification at least on page 6 line 21 and page 26 line 32.

Claims 1-5, 8-15, 19-21, 23, 28-33, 44, and 100-105 are allowable. Claims 46, 47, 54, 55, 58, 64, 71-74, 77-81, 84, 85, 89, 90, 95, 96 and 98 are allowable with regard to the elected species of lung cancer. No new matter has been added. Applicant reserves the right to pursue the subject matter of the originally filed claims in one or more continuing applications.

Telephone Interview Summary

Applicant thanks Examiner Minnifield for conducting an interview with Applicant's representatives, Oona Johnstone and the undersigned, on October 28, 2008. During the interview, the status of composition claims 5, 13 and 15 was discussed. Applicant's representatives asserted that since generic claim 1 was considered allowable, dependent claims 5, 13 and 15, which recite species that fall within the scope of generic claim 1, should also be considered allowable. Examiner Minnifield agreed and indicated that all of the pending composition claims were now considered allowable. The method claims were also discussed during this interview. Applicant's representatives suggested amending claim 46 to incorporate the features of original claim 53, thus reciting "wherein the subject has or is at risk of developing a cancer". Examiner Minnifield indicated that she would consider this claim amendment.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

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